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OFFICE OF PETITIONS

YURI GLUKHOY
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In re Application of
Glukhoy
Application No. 10/058,153
Filed: January 29, 2002
Attorney Docket No. N/A

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: DECISION GRANTING
: PETITION
:
:

This is a decision on the petition entitled, "PETITION WITH EVIDENCE OF DEPOSIT", filed April 15, 2002 (certificate of mailing date April 2, 2002), requesting, in effect, withdrawal of the Notice to File Omitted Item(s) in a Nonprovisional Application (Notice). The petition will be treated under 37 CFR 1.53(e).

The application was deposited on January 29, 2002. On March 7, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioner that drawing figure 4 described in the specification appeared to have been omitted.

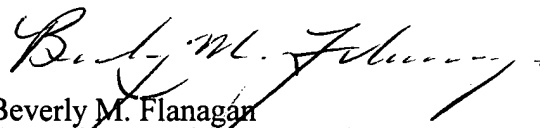
In response to the Notice, petitioner timely filed the present petition. Petitioner requests that drawing figure 4 be accorded a filing date of January 29, 2002 on the basis that 7 sheets of drawing figures, including drawing figure 4, were received in the Patent and Trademark Office (PTO) on January 29, 2002. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing January 29, 2002 as the date of receipt. The postcard lists, *inter alia*, that the filing included 7 sheets of drawings.

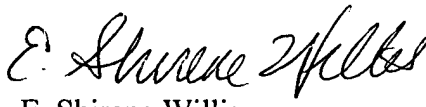
The return postcard constitutes *prima facie* evidence that 7 sheets of drawing figures, including drawing figure 4, were filed on January 29, 2002. MPEP 503. Accordingly, the request is granted.

The \$130.00 petition fee will be refunded. A treasury check will be scheduled in due course.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **January 29, 2002**, using the copy of drawing figure 4 submitted with the instant petition. Office records will be corrected to show that 7 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.


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